

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

|   |   |                                |
|---|---|--------------------------------|
| In re:  | ) |                                |
| FAIRFIELD SENTRY LIMITED, et al.,                     | ) | Chapter 15 Case                |
| Debtors in Foreign Proceedings.                       | ) | Case No. 10-13164 (CGM)        |
|   | ) | Jointly Administered           |
| FAIRFIELD SENTRY LIMITED<br>(IN LIQUIDATION), et al., | ) |                                |
| Plaintiffs,   | ) | Adv. Pro. No. 10-03496 (CGM)   |
| -against-   | ) | Administratively Consolidated  |
| THEODOOR GGC AMSTERDAM, et al.,                       | ) |                                |
| Defendants.   | ) |                                |
| FAIRFIELD SENTRY LIMITED<br>(IN LIQUIDATION), et al., | ) |                                |
| Plaintiffs,   | ) | Adv. Pro. No. 10-03635 (CGM)   |
| -against-   | ) | <b>ORAL ARGUMENT REQUESTED</b> |
| ABN AMRO SCHWEIZ AG, et al.,                          | ) |                                |
| Defendants.   | ) |                                |

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Vorarlberger Landes- Und Hypothekenbank AG’s Motion to Dismiss, the Plaintiffs’ Fifth Amended Complaint dated August 11, 2021, in the above-captioned action, set forth at Exhibit A hereto, and all prior pleadings and proceedings herein, Defendant Vorarlberger Landes- Und Hypothekenbank AG (now known as Hypo Vorarlberg Bank AG) (“Defendant”) will move this Court for an order dismissing with prejudice the complaint filed by the Liquidators of Fairfield Sentry Limited and Fairfield Sigma Limited, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: October 29, 2021  
New York, New York

Respectfully submitted,

**HARNIK LAW FIRM**

By: /s/ Stephen M. Harnik  
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